

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TODD A. CARO,	§
	§
Plaintiff,	§
	§ Civil Action No. 3:03-CV-2800-D
VS.	§
	§
NFN SPENCER, POLICE OFFICER,	§
ADDISON POLICE DEPARTMENT,	§
et al.,	§
	§
Defendants.	§

ORDER


After making an independent review of the pleadings, files, and records in this case, and the August 30, 2005 findings and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct and are therefore adopted. After considering plaintiff's objections, even if the court assumes he has raised some fact issues, they are not genuine issues of material fact that are sufficient to preclude the entry of summary judgment. Accordingly, defendant's May 6, 2005 motion for summary judgment is granted, and this action is dismissed with prejudice by judgment filed today.

Plaintiff's September 8, 2005 motion for reconsideration of counsel for trial is denied as moot. Because the court is dismissing this case on motion for summary judgment, there is no persuasive reason to appoint counsel to represent plaintiff at trial. To the extent plaintiff seeks appointment of counsel to represent him before trial, the court declines to reconsider the magistrate judge's May 4, 2004 memorandum order, which the court affirmed on May 26, 2004 and that correctly denied, for the reasons stated therein, an earlier motion to appoint counsel, and the magistrate judge's April 6, 2005 order denying a second motion for appointment of counsel.

To the extent the record in this case does not reflect that the court adopted the April 22, 2004 findings and recommendation of the magistrate judge, the court concludes, after making an independent review of the pleadings, files, and records in this case, and the findings and recommendation, that the findings and conclusions are correct and are therefore adopted. Plaintiff's action against defendant City of Addison is also dismissed with prejudice by judgment filed today.

SO ORDERED.

September 20, 2005.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE